Adversary Proceeding Case Opening

Opening an Adversary proceeding involves entering the necessary information regarding the plaintiff and defendant and basic statistical data. The lead event is incorporated into this process and will not need to be docketed separately.

STEP 1   Click the <u>Adversary</u> hypertext link on the CM/ECF main menu bar. **(See Figure 1.)**
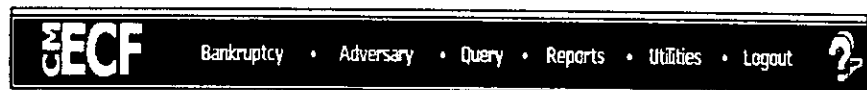

Figure 1

STEP 2   The **ADVERSARY EVENTS** screen displays. **(See Figure 2.)**
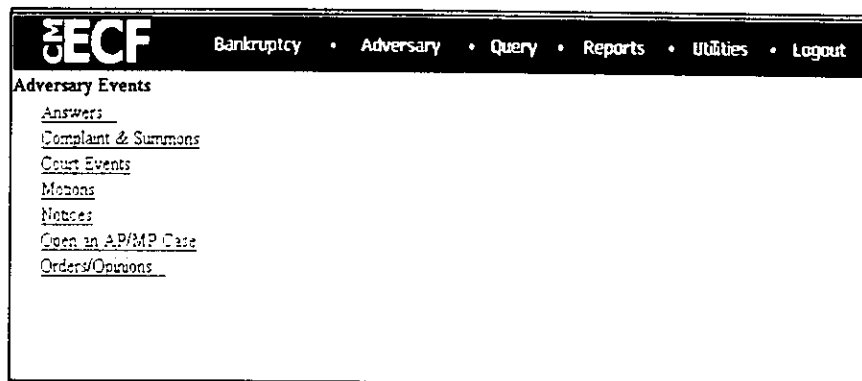

Figure 2

◆   Click the **Open an AP/MP Case** hypertext link.

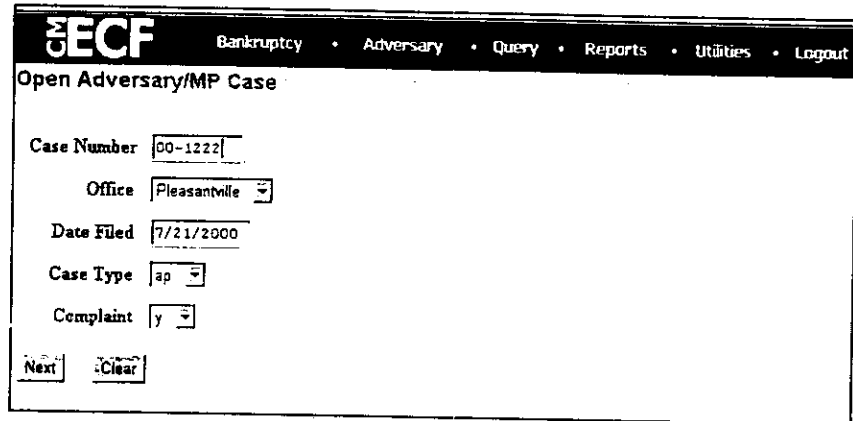STEP 3   The **CASE DATA** screen displays. (See Figure 3.)

Figure 3

◆   If necessary, click in the **Case Number** field. Enter the adversary proceeding number in the format yy-nnnn, including the hyphen.

•   If the case number is generated automatically, skip the case number box and continue entering the other case information as necessary.

◆   Select the **Office** from the drop down box.

◆   The current date is displayed in the **Date Filed** box.

•   To backdate this filing, enter the correct date in the format mm/dd/yyyy or mm/dd/yy, including the forward slashes.

◆   The **Case Type** values are "ap" for adversary proceeding and "mp" for miscellaneous proceeding. Accept the default of "ap".

◆   The **Complaint** field indicates whether a Complaint is the lead event for this proceeding. If a Complaint initiated this proceeding, leave this field set to **y**. If another document, such as a Notice of Removal, was filed instead, select **n**.

◆   When this screen is correct, click **[Next]**.

STEP 4   The **PARTY SEARCH** screen appears. (See Figure 4.)

Figure 4

◆ Before adding a party, it is recommended that one search the database for the filer. One can search by Social Security Number, Tax Identification Number, Last Name or Business Name.

   • The entire business name is stored in the **Last/Business name** field. The field size is 80 characters.

Search Hints:

   •   Enter one field of data for each search.

   •   A minimum of two characters must be entered in the Last Name field.

   •   Format Social Security Number or Tax ID with hyphens.

   •   Searching is case sensitive. (Smith, not smith)

   •   Include punctuation. (O'Brien, Zeta-Jones)

   •   Try alternate search clues if your first search is not successful.

   •   Partial names can be entered.

◆ Enter the plaintiff's last name in the **Last/Business name** field and click **[Search]**. In Figure 4 we have entered the first word or the plaintiff's name (Financial).

STEP 5 The **SEARCH RESULTS** screen appears. **(See Figure 5.)**
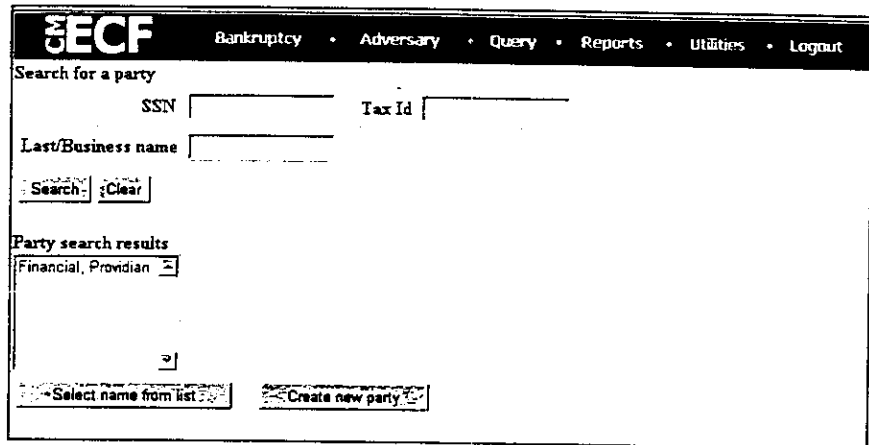

Figure 5a

NOTE: If the designated party was already on the database, the Party Search Results screen would provide a listing of parties matching your search criteria. In that situation you would select the party by highlighting the name with your mouse and click on the **[Select Name From List]** button. **(See Figure 5b.)**

◆ In Figure 5b the only party on the database matching the search criteria was Providian Financial. Since our party, Financial Services is not on the list, click the **[Create New Party]** button.
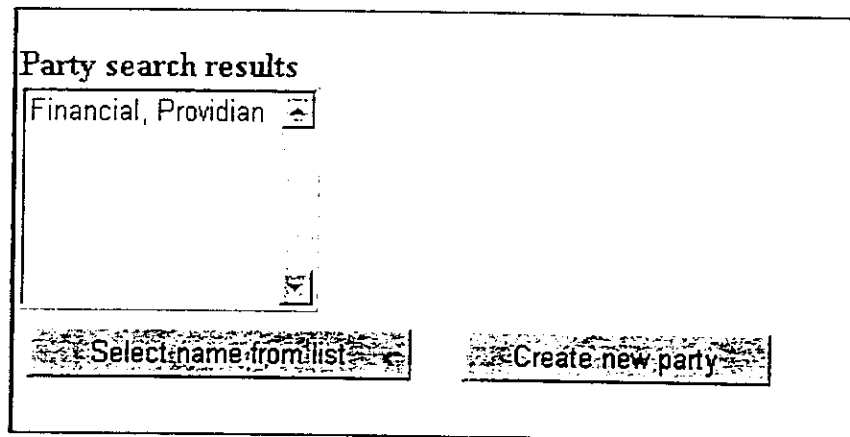

Figure 5b

NOTE: Your name search may find more than one record having the same name you entered as shown in **Figure 5c.** Clicking on each of the names will display a window showing the party's address information for verification.

If none of the addresses are correct for this party, you can either 1.) modify the address (for this case only) on the following PARTY INFORMATION screen, or 2.) click on the **[Create new party]** button to add a new person record with this address.

Figure 5c

STEP 6   The **PARTY INFORMATION** screen appears. (See Figure 6.)

◆   Enter the plaintiff's **Name** and **Tax ID** or **SSN** information in the appropriate boxes, Follow local court conventions for address information for parties.
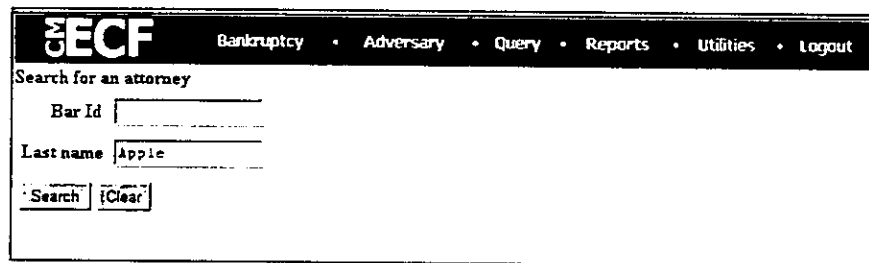

Figure 6

♦   Expand the **Role Type** selection pick list by clicking on the down arrow ▼ and select Plaintiff.

♦   The **Party Text** field is used for further party description, such as A California Corporation or Trustee for the Estate of.... This information will appear on the caption of the docket report immediately after the party's name.

♦   Click on the **[Attorney]** button on the **PARTY INFORMATION** screen. **(See Figure 6.)**

STEP 7   The **ATTORNEY SEARCH** screen allows you to retrieve the attorney record by either State Bar ID or Last Name (or partial Last Name) on the **SEARCH FOR ATTORNEY** screen. **(See Figure 7.)**

Figure 7

♦   This exercise illustrates how one could search for the attorney Cornelius Appleby. The search clue entered in the Last Name field is the beginning of his last name.

♦   Click on **[Search]**.

STEP 8   The **ATTORNEY SEARCH RESULTS** screen will display all the
matches for the search clue you entered. **(See Figure 8a.)**

Figure 8a

NOTE: Your search may find more than one person having the same
name as shown in **Figure 8b**. Clicking on each of the names
will display a window with the person's address information for
verification.

If none of the addresses are correct for your attorney, you can
either 1.) modify the address (for this case only) on the
following ATTORNEY INFORMATION screen, or 2.) click on
the **[Create new attorney]** button to add a new person record
with this address to the court's attorney roll. Follow local
guidelines.

Figure 8b

◆   When your name appears, highlight it with your mouse and click
on **[Select Name From List]**.

STEP 9   The **ATTORNEY INFORMATION** screen displays the master
                attorney record from the court attorney roll. **(See Figure 9a.)**

Figure 9a

◆   Since your attorney record can accommodate only one address, if
        the address for this case should be different, make the changes to
        this screen. This will change professional and mailing information
        FOR THIS CASE ONLY.

◆   After verifying this information, click **[Add Attorney]** to associate
        this record with your plaintiff.

◆   The **ATTORNEY INFORMATION** screen again appears. (See
        Figure 9b.) At this time you could click on the **[Review]** button to
        verify attorney and alias information for this party. Figure 9b
        shows how this information is displayed.

Figure 9b

◆   Click on the [Return to Party screen] button.

◆   When the **PARTY INFORMATION** screen appears again, Click [Submit].

STEP 10   The **PARTY SEARCH** screen appears again **(See Figure 10.)**
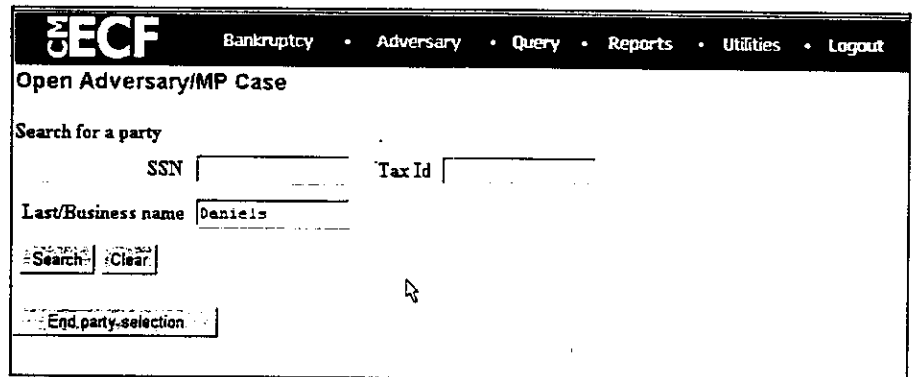
Figure 10

♦   Enter party information for the defendant Dale A. Daniels. Search by
      last name.

STEP 11   When the **SEARCH RESULTS** screen appears, the party will be
               displayed because Dale Daniels is already a debtor on the bankruptcy
               case. **(See Figure 11.)**
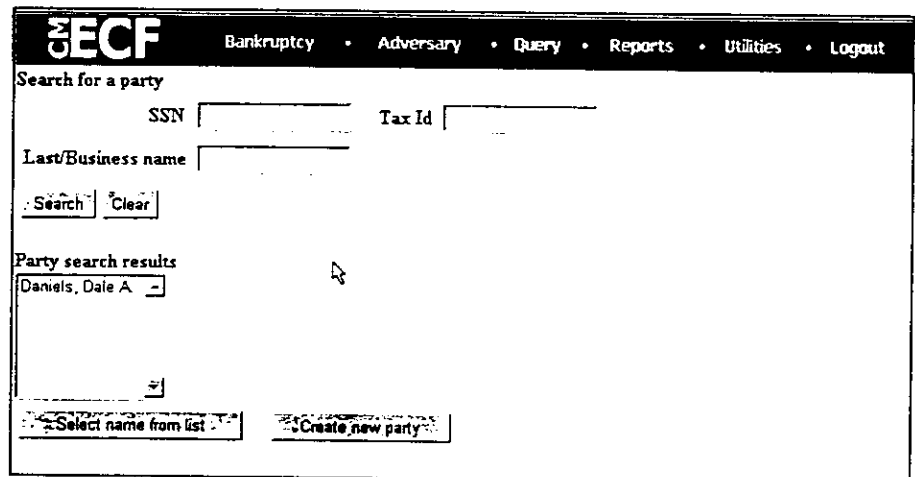
Figure 11

♦   Highlight the name and click on **[Select name from list]**.

STEP 12   The **SEARCH RESULTS** screen appears next with this party's
               address as it is recorded in the database from the bankruptcy case.
               (See Figure 12.)

Figure 12

◆   Follow your court's procedures for addresses for defendants. You
     must select the Party Role by clicking on the ▼ down arrow for the
     Party Role field. Highlight Defendant and click on **[Submit]**. The
     defendant's attorney information will be added at a later time.

◆   The Party Search screen will reappear. Since all parties have now
     been entered, click on **[End Party Selection]**. Statistical information
     will be entered on the next screen.

STEP 13   The system will then display the **ADVERSARY STATISTICAL** screen (See Figure 13a).

Figure 13a

◆ Select the **Judge** to whom this case is assigned from the drop-down box.

◆ For the **Party code** field, make the appropriate selection from the list below. **(See Figure 13b.)** For this example, **3 US not a party in the case**, is the correct selection.

Figure 13b

◆ Select the **Nature of Suit** for the case from the drop-down list, shown below. **(See Figure 13c.)** If there are multiple natures of suit in the proceeding, select only one.

Figure 13c

NOTE: If one of the multiple suits is a 727 Objection to Discharge, it is important to enter **424** as the first number.
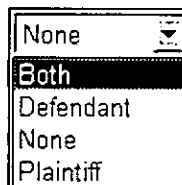
◆   The **Origin** code defaults to **1 Original Proceeding**.
      (See Figure 13d.) This setting is normally correct. Other values are:

```
1 Original Proceeding       ▼
 1 Original Proceeding
2 Removed From State
4 Reinstated/Reopened
5 Other District Trans In
```

Figure 13d

◆   Enter a **Transfer date** only if the case has been transferred in from another district.

◆   The default for the **Rule 23 (class action)** field is **n**. Select **y** if the proceeding is a class action.

◆   The default for the **Jury Demand** field is **None**. **(See Figure 13e.)** Make another selection from the values below, if appropriate.
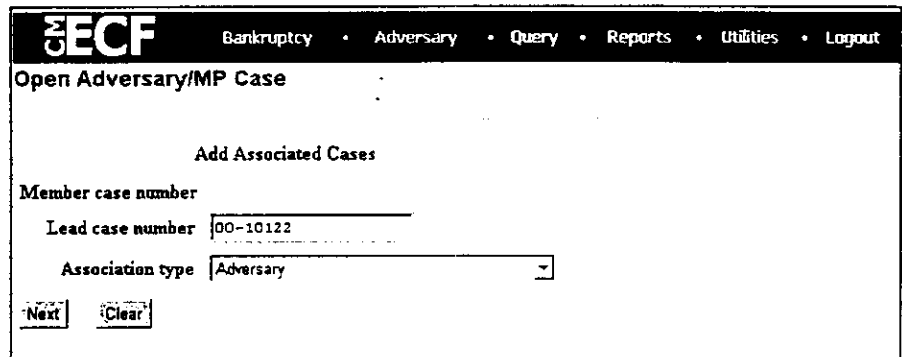
```
None        ▼
 Both
Defendant
None
Plaintiff
```

Figure 13e

◆   **Dollar Demand.** If there is a dollar demand, enter the amount in thousands to the nearest thousand. For example, if the Dollar Demand is $4550, $5,000, or $5499, you would enter 5 for $5000, leaving off the 000.

◆   When this screen is correct, click **[Next]**.

STEP 14 · · · · · The **ASSOCIATED CASES** screen displays next. **(See Figure 14.)**

Figure 14

◆ Enter the **Lead Bankruptcy Case Number** in yy-nnnnn format, including the hyphen.

NOTE: If the case number is invalid or if the lead case does not reside on this database, an error message, "**YY-NNNNN is not a valid case. Please enter a valid value.**" is generated. You will not be able to proceed with the case opening process. Research the reason for the error.

NOTE: If you do not enter any number in the Lead **Case Number** field the system **will** allow you to proceed with case opening.

◆ Select the default of Adversary as the **Association Type**.

◆ Click **[Next]** to continue.

STEP 15   The **PDF DOCUMENT SELECTION** screen displays.
(See Figure 15a.)

Figure 15a

◆   To associate the imaged document with this entry, select the PDF
filename of the complaint you are filing.

•   Click **[Browse]**, then navigate to the directory where the
appropriate PDF file is located and select it with your mouse.

•   To make certain you are about to associate the correct PDF
file for this entry, right click on the filename with your mouse
and select **Open**. (See Figure 15b.)
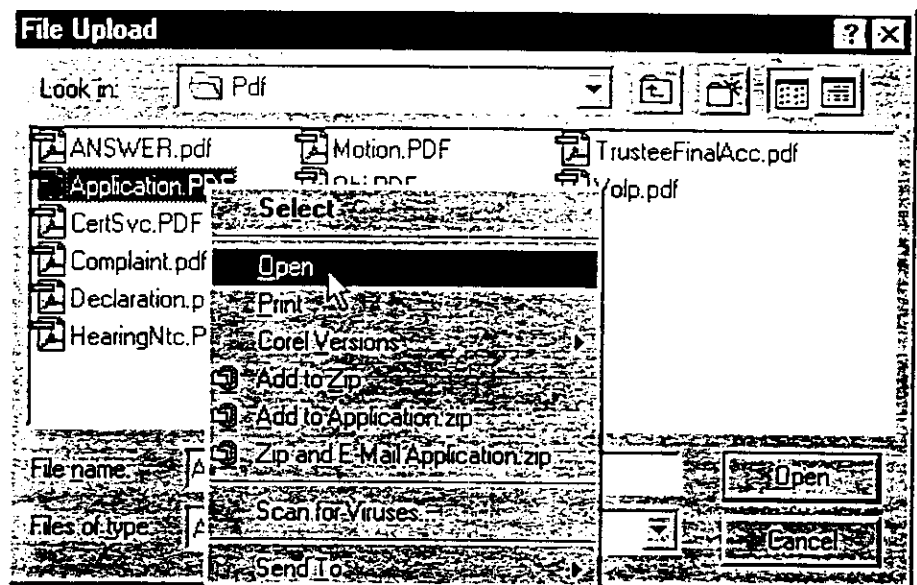
Figure 15b

•   This will launch the Adobe Acrobat Reader displaying the
contents of the imaged document. Verify that the document is

correct.

- Close or minimize the Adobe application and if that is the correct file, click Open on the File Upload dialogue box. **(See Figure 15c.)**

File Upload

Look in: Pdf

ANSWER.pdf	Motion.PDF	TrusteeFinalAcc.pdf
Application.PDF	Obj.PDF	Volp.pdf
CertSvc.PDF	Order.pdf	
Complaint.pdf	ProofClaim.pdf	
Declaration.pdf	Schedules.pdf	
HearingNtc.PDF	SUMMONS.pdf	

File name: Application.PDF   Open

Files of type: All Files (*.*)   Cancel

Figure 15c

◆ There will be no attachments in this exercise. Attachments will be covered in another lesson. Therefore, leave the default of **N** for no.

◆ Click **[Next]** to continue.

STEP 16   The **FILING FEE** screen will display prompts for **Fee** and **Receipt** information and possibly a reminder concerning §727 objections to discharge. [1] **(See Figure 16.)**

Open Adversary/MP Case

FOR COURT USERS ONLY: If this is a 727 Objection to Discharge, Docket the Flag Set-727 Objection to Discharge Event Next.

For Receipt #, Enter CC for Credit Card or O for Other Payment.

Receipt #: [   ]   Fee $: [150]

[Next]   [Clear]

Figure 16

♦   Enter the receipt number, or **CC** if the payment is by credit card, or **O** for **Other payment**, (deferred, waived, etc.) The fee amount defaults to $150.

♦   Click **[Next]** to continue.

STEP 17   The system will display the **MODIFY DOCKET TEXT** screen. **(See Figure 17.)**

♦   Additional description regarding the document can be added through the text editing window.

♦   When the docket text is complete and accurate, click **[Next]**.

ECF   Bankruptcy   •   Adversary   •   Query   •   Reports   •   Utilities   •

Open Adversary/MP Case

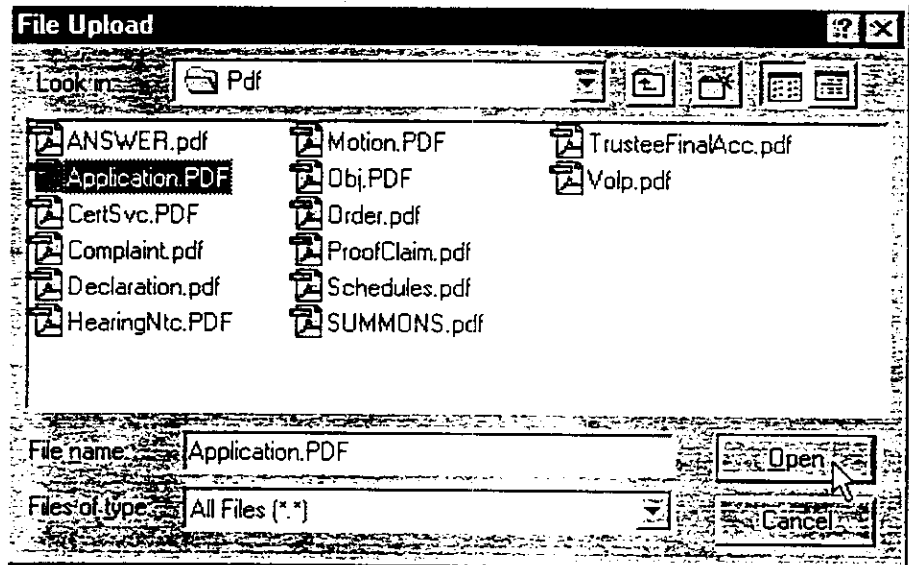Docket Text: Modify as Appropriate.

426 (Dischargeability 523): Complaint[   ] by Cornelius Appleby on behalf of Financial Services, Inc against Dale Daniels . Receipt Number CC, Fee Amount (Stevens, Kate)

[Next]   [Clear]

Figure 17

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[1] CM/ECF usage often leads courts to consider new, more efficient business processes and information flows. In that planning, a court might address processes that relate to financial matters. Courts must recognize that CM/ECF is not a financial system and does not have extensive built-in financial audit features. Therefore, courts cannot overlook the necessity to incorporate appropriate safeguards into their financial processes.

STEP 18   The **FINAL DOCKET TEXT** screen displays (See Figure 18.)

ECF Bankruptcy • Adversary • Query • Reports • Utilities •

Open Adversary/MP Case

Docket Text: Final Text

426 (Dischargeability 523): Complaint by Cornelius Appleby on behalf of Financial Services, Inc against Dale Daniels. Receipt Number CC, Fee Amount (Stevens, Kate)

Attention!! Submitting this screen commits this transaction. You will have no further opportunity to modify this submission if you continue.

[Next]   [Clear]

Figure 18

◆   Proofread this screen carefully! No further changes are allowed after this screen. If it is correct, click **[Next]**.

◆   If any part of the entry is incorrect, click the browser **[Back]** button to return to the screen you need to correct. Then process the screens again with the respective **[Next]** or [Submit] buttons.

◆   To abort or restart the transaction at any time up until the final docket text screen, click the **Adversary** hypertext link on the **Menu Bar**.

NOTE: When an adversary is opened, the complaint information is spread over to the main bankruptcy case.

STEP 19   The system then displays the **NOTICE OF ELECTRONIC FILING** screen. (See Figure 19a.)

ECF   Bankruptcy   •   Adversary   •   Query   •   Reports   •   Utilities   •   Logout   ?

Open Adversary/MP Case

Notice of Electronic Filing

Case Name: Financial Services, Inc v. Daniels
Case Number: 00-01044
Document Number: 1
Case Name: Dale Daniels
Case Number: 00-10122
Document Number: 2

Docket Text:
426 (Dischargeability 523): Complaint by Cornelius Appleby on behalf of Financial Services, Inc against Dale Daniels. Receipt Number CC, Fee Amount (Stevens, Kate)

The following document(s) are associated with this transaction:

Document description:Main Document
Original filename:O:/ECF_Students/PDF Files/complaint.pdf
Electronic document Stamp:
[STAMP bkecfStamp_ID=981735245 [Date=11/1/2000] [FileNumber=3530-0] [5
c11f4c43c533ef4e09278eed22e07330e365198eb1a66ad26d749b5c0eeaad99eb6aed
32b5e0b970d1e85706186f25d4db1241185a82dce43e21a65bf20955f]]
Document description:Main Document
Original filename:O:/ECF_Students/PDF Files/complaint.pdf
Electronic document Stamp:
[STAMP bkecfStamp_ID=981735245 [Date=11/1/2000] [FileNumber=3531-0] [2
c6ff4b78dadb0b8c5ee1a12b7f2dc175e7f0aa05c0dae3c95e414ec829062bafd48410
3ceed887635349a884b281c9d37ffb00f34f7580756e1a8ea447855ea]]

00-01044 Notice will be electronically mailed to:

00-01044 Notice will not be electronically mailed to:

Cornelius Appleby
Appleby, Sommers & Prince
4123 e. Walnut Street
Newark, NJ 07102

Figure 19a

◆   The **Notice of Electronic Filing** is the verification that the filing has been sent electronically to the court's database. It certifies that this is now an official court document.

NOTE: If an entry is backdated, the date and time will not appear on the notice of electronic filing.

◆   Further access to the **Notice of Electronic Filing** is available though the electronic docket report. When this option is selected,

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a bullet appears next to the document number of the event on the docket report. **(See Figure 19b.)** Clicking on this bullet will display a copy of this notice. Attorney users must first login to the PACER program. **(See Figure 19c.)**

01/08/2001	●3	Application to Pay Filing Fee in Installments. 01/08/2001)

Figure 19b

◆ To print a copy of this notice, click the browser **[Print]** icon.

◆ To save a copy of this receipt, click [**File**] on the browser menu.

◆ Trustee and Attorney users will have access to the **Notice of Electronic Filing** at the time of their filing. Subsequent access to any Query or Report programs must go through the PACER system.

◆ When an attorney or other external filer selects a menu option from Reports, Query or the Claims Register, they will be presented with the Public Access to Electronic Records (PACER) screen. **(See Figure 19c.)** Users must already be registered with the PACER system to have a login and password. Note the information on the screen below.

Figure 19c

◆ When a copy of the **Notice of Electronic Filing** is mailed to each subscriber on the case, the following message will display at the

top of the notice:

NOTE TO PUBLIC ACCESS USERS
You may view the filed documents once without charge. To avoid later charges, download a copy of each document during this first viewing.

◆   At this screen, you can select a choice from the Main menu. For example, you can click on **Bankruptcy** or **Adversary** to open another case or file another document. If you are finished, click on **Logout**.